

CIVIL CASE NO. 1:10cv187

Defendant.

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ORDER OF REMAND

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties have moved for reversal of the decision of the Defendant and remand for further administrative proceedings.

Specifically, the parties ask that the matter be remanded to an Administrative Law Judge ("ALJ") with instructions to evaluate the severity of Plaintiff's cervical and lumbar degenerative disc disease, and reassess Plaintiff's physical residual functional capacity in light of all of the medical evidence of record, obtaining input from the medical staff or a State Agency medical consultant, if necessary.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the parties' consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 10] is hereby **GRANTED**; and

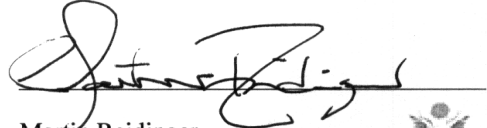
IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Administrative Law Judge evaluate the severity of Plaintiff's cervical and lumbar degenerative disc disease, and reassess Plaintiff's physical residual functional capacity in light of all of the medical evidence of record, obtaining input from the medical staff or a State Agency medical consultant, if necessary, hold a new hearing at which Plaintiff will be able to

testify and present evidence, and issue a new decision.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: August 10, 2011



Martin Reidinger
United States District Judge

